

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DESSIE RUSSELL LONAS ,

Plaintiff,

v.

OSHKOSH CORRECTIONAL
INSTITUTION and DEPARTMENT OF
CORRECTIONS,

Defendants.

ORDER

Case No. 16-cv-752-jdp

On November 15, 2016, this court entered an order directing plaintiff Dessie Russell Lonas to submit by December 9, 2016 an initial partial payment of the filing fee in the amount of \$6.26. Now plaintiff has filed a motion to use release account funds to pay the initial partial filing fee.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, if sufficient funds do not exist in plaintiff's regular account to pay his initial partial payment, he can use his release account to pay the initial partial filing fee of \$6.26. In addition, plaintiff may have an extension of time until December 23, 2016 to submit the initial partial filing fee payment.

ORDER

IT IS ORDERED that:

1. Plaintiff Dessie Russell Lonas's Motion to use his release account funds to pay the \$6.26 initial partial filing fee is GRANTED

2. If by December 23, 2016, plaintiff fails to pay the \$6.26 initial partial filing fee or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

Entered this 30th day of November, 2016.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge